

Planning Commission Minutes
May 10, 2023

Members Present: Vance Bell, Dawn Bower, Bill Dunkel, Cathy Fales, John Finley, Tom Johnson, Kate Wright

The meeting began at approximately 6:31PM.

Kate moved to adopt the minutes from the March 29th meeting; seconded by Dawn; motion passed (6 yea, 0 nay, Bill abstained)

Cathy reported that the town has received a \$4K MERP grant which will be set aside and earmarked to pay for architecture and engineering fees connected to future work on the Meeting House. Applications for the MERP extensive energy audit grant should be available any day. Cathy said that the Brattleboro Development Credit Corporation will provide a free Facility Assessment Priority Plan for the Meeting House. Meg Staloff, of the BDCC, will conduct three community wide meetings this summer in Windham to gather information on how people in town want to use the MH now and in the future. She will then write a report which prioritizes the town's goals for the MH and the work that must be done to achieve those goals. This report will be useful when applying for certain grants.

Bill updated the committee on the state of the Alptfart's derelict building near the corner of Windham Hill Rd and Abbott Rd. Alison Cummings has been in touch with the owner who is hoping to rebuild on another part of the property out of the flood hazard area. This option is being explored, along with plans to remove the existing structure.

Next we discussed several unresolved zoning issues in Windham. First, Bill noted that there are recreational vehicles parked on parcels of land in Windham for much longer than 90 days, which is the time limit allowed by our zoning regulations. Often these RVs are unoccupied, and may be parked over the winter and used for vacation trips during other times of the year. Bill said we need to amend the regulations to allow RVs to be parked for a longer period of time or enforce the

regulations and have the RVs removed, which could be quite problematic. Bill shared a section of Wardsboro's zoning bylaws which regulates recreational vehicles in three ways:

- a) An unoccupied RV may be parked indefinitely on a piece of land as long as it is 6 feet from a property line and is unconnected to a septic system. No zoning permit needed.
- b) An RV may be parked and temporarily used for up to 90 days over the course of 12 months, provided it conforms to setback requirements and safely disposes of waste. No permit is needed.
- c) An RV that remains on a parcel of land for more than 90 days over a 12 month period, and has been occupied, will be considered a "dwelling" which must comply with all zoning regulations and have a zoning permit. Presumably this means it must be connected to a septic system.

We briefly discussed whether we should adopt regulations modeled on Wardsboro's. John suggested that we first need to decide how we want to allow RVs to be used in Windham and then craft appropriate regulatory language. Vance questioned how tiny houses might be affected by regulations similar to Wardsboro's. Bill and Tom suggested that tiny houses are different from RVs because they do not have on board waste containment systems or potable water. They are designed to be connected to external water and waste systems, and remain in place for an extended period of time. Kate noted that her daughter works for Roll'en Homes in Harmonyville which manufactures tiny houses that must be connected to water and waste systems. Cathy said some tiny homes have composting toilets and may be able to function without being connected to a septic system. We agreed we need to gather more information about tiny houses.

Next, Bill pointed out that although dwelling units in our Rural Residential districts are supposed to be connected to a septic system, there are some structures in town that have composting toilets. One such building is located on Abbott Road right next to the Alptfart's house. We discussed briefly whether we should rewrite our bylaws to allow composting toilets in Rural Residential districts. We agreed that we need to revisit this and the RV issue again at a future meeting.

Next, Bill projected part of S.100, a bill the VT House passed recently which may alter the definition of an “accessory dwelling unit” by eliminating the requirements that there must be sufficient wastewater capacity on the property for the accessory dwelling and that it must not exceed 30% of the habitable floor space of the single family dwelling on the property. However, another part of the bill seems to restore those requirements. Bill also raised the question of whether a tiny house would fit the definition of an accessory dwelling unit. We agreed that we need to address the issue of tiny houses somewhere in our regulations.

Bill also pointed out that S.100 states that duplexes shall be an allowed use in any zoning district that has year round residential development. Our regulations only allow duplexes as a conditional use. Thus, it appears that this section of our regulations will have to be revised if S.100 also passes the Senate and becomes a law in Vermont.

S.100 also seeks to revise Act 250 by allowing many more housing units in village centers. Bill thinks this technically might allow as many as 25 units in our historic districts if the town seeks “village center” designation for those parts of town. Cathy said the 25 unit cap only applies to towns with municipal sewer and water systems. John suggested that since Windham has no municipal sewer or water, it is very unlikely a developer would try to build a lot of housing units in a village center because it would be prohibitively expensive.

Next we examined a draft of a form Joyce Cumming, Assistant Town Clerk, developed for logging operations in Windham. We discussed whether the form clearly articulates the requirements outlined in our revised timber harvesting regulations: 1) securing an overweight vehicle permit 2) posting a \$500 bond, and 3) securing an access permit from the town Road Foreman. We also discussed whether this form should be called a logging permit or a logging operations checklist. Vance suggested it should be called a checklist, and most members of the committee seemed to agree. Dawn questioned whether a \$500 bond was sufficient, or should be increased. Bill said that because loggers must show proof of insurance, the town could initiate a civil lawsuit against a logger if he/she did more than \$500 of damage to a town road. Nonetheless, it is worth asking the Selectboard if they want to increase the amount of the bond that must be posted.

We also briefly discussed whether any revisions should be made to the zoning permit application form, and whether members of the PC should review zoning permit applications, along with the zoning administrator. Dawn noted that years ago the entire PC reviewed all zoning permit applications. Everyone seemed to agree that the ZA needs more support from the PC. At a future meeting we will discuss this further.

Tom suggested that some of the language on the current zoning application form needs to be rewritten. For example, instead of asking the applicant to please provide a sketch of the proposed work site, the form should say that the applicant “must” provide a drawing. Some applications do not provide all the information we need, or they have sketches that are mislabeled or do not contain sufficient measurements or dimensions. We discussed the need for a clearer process for reviewing a submitted application and better communication between the ZA and the Town Clerk when an application needs to be returned to the applicant for insufficient information. We will come back to this issue again in the future.

Bill reminded everyone that Alison Cummings plans to resign soon as Zoning Administrator. Kord is working on finding a replacement. Tom suggested that perhaps we need a professional ZA, rather than a town volunteer. John noted that his town in N.J. has a full time ZA . Cathy said that when she lived in Oregon several towns shared a professional ZA. Bill will mention this to Kord Scott.

Kate suggested that it also might be a good idea for the PC to have a paid clerk, who would be responsible for producing the minutes of our meetings. Bill thanked Kate for her suggestion and thanked John for providing a written transcript of the meeting. The transcript is helpful in crafting the minutes, which is still a time consuming process.

Vance moved to adjourn and everyone agreed. The meeting adjourned at approximately 8:15PM.

Respectfully Submitted,

Bill Dunkel